

NEVADA DEPARTMENT OF CORRECTIONS	SERIES 300 PERSONNEL	SUPERSEDES: AR 319 (07/28/02)
ADMINISTRATIVE REGULATIONS MANUAL	ADMINISTRATIVE REGULATION 319 WORKPLACE SAFETY/ WORKPLACE VIOLENCE PROGRAMS AND HARRASSMENT COMPLAINTS TEMP	EFFECTIVE DATE: 09/06/03

TABLE OF CONTENTS

	<u>PURPOSE</u>	
	<u>AUTHORITY</u>	
	<u>RESPONSIBILITY</u>	
	<u>DEFINITIONS</u>	
	<u>APPLICABILITY</u>	
	<u>PROCEDURES</u>	
<u>319.01</u>	TRAINING	
<u>319.02</u>	SAFTY COMMITTEES	
<u>319.03</u>	SAFETY RULES	
<u>319.04</u>	WORKPLACE VIOLENCE	
<u>319.05</u>	INCIDENT REPORTING AND INVESTIGATION	
<u>319.06</u>	SUPERVISOR’S IMMEDIATE INTERVENTION	
<u>319.07</u>	EEO COMPLAINTS	
<u>319.08</u>	FITNESS FOR DUTY EXAMS	
	<u>REFERENCES</u>	
	<u>ATTACHMENTS</u>	
	<u>MANDATORY REVIEW DATE</u>	<u>07/28/04</u>

PURPOSE

To provide a written safety program to provide a place of employment, which is free from, recognized hazards that are likely to cause death or serious physical harm to the employees.

To establish a workplace violence prevention program to assess the potential for and nature of workplace violence.

To address and correct workplace violence.

AUTHORITY

NRS 199.300
NRS 200.571
NRS 200.575
NRS 201.255
NRS 202.840
NRS 203.119
NRS 207.180
NRS 209.131
NRS 618.375
NRS 618.383
NAC 284.650
NAC 618.540

RESPONSIBILITY

All employees are responsible for carrying out the requirements of this regulation.

DEFINITIONS

DEPARTMENT– The Nevada Department of Corrections.

DEPARTMENT SAFETY COMMITTEES – Each institution Safety Committee is established and chaired by the Associate warden of programs. Camps and Restitution Centers will have a representative sit on the institutional committees.

EMPLOYEE ASSISTANCE PROGRAM – A professional counseling program that is a benefit to all State of Nevada employees. This program assists all State employees and their family members with personal and job-related problems.

EEO/EMPLOYEE DEVELOPMENT DIVISION – The Division of the Department tasked with:

- Monitoring and investigating allegations of violations of the EEO/Employee development and administrative regulations; and
- Design, development, evaluation and implementation of the training and employee development programs.

EEO OFFICER – For the purposes of this regulation, the Department’s designated position within the EEO/Employee Development Division that monitors and investigates allegations of violations of Title VII 42.

EMPLOYEE DEVELOPMENT MANAGER (EDM) – The Department’s designated position within the EEO/Employee Development Division responsible for the administration, management and supervision of the Employee Development Specialists.

INCIDENT – An occurrence that is a potential hazard to safety and security.

SAFETY AND HEALTH SUPERVISOR – The person assigned by the Department to be in charge of occupational safety and health statewide.

THREAT ASSESSMENT TEAM (TAT) – Consists of three (3) members selected from Administration, Personnel, and the Inspector General’s Office by the Department Safety Committee. A TAT will be established within each Department area.

WORKPLACE - Any location, either permanent or temporary, where an employee performs any work-related duty. This includes, but is not limited to the buildings and the surrounding perimeters and parking lots, field locations, parks, and clients’ homes or businesses.

APPLICABILITY

This regulation applies to all employees within the Department.

PROCEDURES

319.01 TRAINING

1.1 The Employee Development and Employee Relations Division together with the Safety and Health Supervisor shall develop and provide to all employees a training program concerning safety in the workplace.

1.1.1 All newly hired employees shall be provided with the pamphlet, Nevada Workplace Safety: Your Rights and Responsibilities that sets forth the rights and responsibilities of the Department and employee to promote safety in the workplace.

1.1.1.1 All employees will be required to sign a receipt to acknowledge being provided with a copy of the pamphlet.

- The receipt will be placed in the employee’s personnel file.

1.1.2 The videotape, Safety in the Workplace will be shown to all employees attending pre-service training.

1.1.3 All proposed safety and health training programs shall be sent to the Employee

Development Division and the Safety Health Supervisor for review approval prior to implementing.

1.1.3.1 The Employee Development Division and the Safety Health Supervisor will respond to the request within 30 days from receipt.

319.02 SAFETY COMMITTEES

1.1 The Department shall establish safety committees, which include representatives of the employees.

1.2. Central Administration Safety Committee

1.2.1 A Central Administration Safety Committee will be established to develop and implement the statewide safety program. The Safety and Health Supervisor will chair the committee.

1.2.1.1 The Central committee will have a minimum of four members and will include the Regional Safety and Health Specialist and at least two employee representatives. The employees' representative shall be elected pursuant to 319.02, Section 1.3.

1.2.1.2 The Central committee will review and develop general safety rules and safe job procedures and ensure compliance with new and revised regulations.

1.2.1.3 Other duties include, but not limited to:

- Assist in the development of Administrative Regulations as needed and verify compliance with ACA standards;
- Review all safety training and ensure material provided to employees is current and sufficient to meet all state and federal requirements;
- Monitor all other safety committees and provide guidance, information and assistance as needed;
- Ensure that all required safety and workers' compensation posters and information are made available and posted at all locations;
- Review safety reports and make recommendations to management based upon these reviews; and
- Ensure that proper record keeping is maintained.

1.3 Institution/Facility Safety Committee

1.3.1 A safety committee will be established at each Institution/Facility.

1.3.1.1 The Institution Safety Committee will be chaired by an Associate Warden and include representatives from each of the functional areas, such as food services, custody, maintenance and at least one employee representative who is selected by the employees.

1.3.2 The primary purpose of the Institution Safety Committee will be to establish and implement a safety program at their respective location. Duties include, but not limited to:

- Develop Institutional Procedures, forms, checklists and address other issues unique to their Institution/Facility;
- Conduct or assist with accident investigations and safety inspections to determine underlying causes of incidents or hazards and develop preventative measures to avoid future incidents;
- Maintain a safe and healthy work environment by identifying and controlling unsafe work conditions, practices and procedures;
- Alert management of the need for proper and safe tools and equipment as necessary;
- Ensure all employees have attended required training and that they are familiar with the safety program and applicable safety rules and hazards;
- Make arrangements for and provide updated training as necessary;
- Have appropriate staff trained to immediately respond to and investigate reported accidents and hazards;
- Make scheduled safety checks and forward reports to the Central Safety Committee as required;

- Ensure that all required safety and workers' compensation posters and information are posted in a prominent place and assessable to all employees; and

- Communicate safety issues between management and employees and alert management of safety hazards, which are observed by or reported to the committee.

1.3.3 At least one employee on the committee will be in charge of occupational safety and health at the Institution/Facility.

1.4 Employee Representation Election

1.4.1 A notice shall be posted in an area accessible to all employees as committee vacancies occur.

1.4.2 The notice shall include the purpose and duties of the committees and the frequency of the meetings.

1.4.3 Employees interested in serving on the committee should submit their interest through their chain of command.

1.4.4 Each employee representative will serve a minimum term of one year not to exceed a maximum of three years.

1.4.4.1 Should a vacancy on the committee occur prior to the end of a term, the election procedure will be conducted as soon as practical to replace that member.

1.4.4.2 Elections will be announced and conducted at each location as vacancies occur.

1.5 Frequency of Meetings/Minutes

1.5.1 All safety committee meetings shall be held at least quarterly. Additional meetings may be scheduled as deemed appropriate.

1.5.2 Minutes shall be kept of the meeting and will include all safety and health issues that are discussed and the attendance of those persons who participated at the meeting.

1.5.2.1 The minutes shall be maintained for at least three years.

1.5.2.2 The Institutional/Facility minutes shall be forwarded to the Safety and Health Supervisor within ten working days after the meeting and will

include a list of all employees who have attended safety training since the last report was submitted.

1.6 Members of the committee must be paid as if they were engaged in their usual work activities whether attending meetings, conducting authorized inspections, or any other activity of the committee.

319.03 SAFETY RULES

1.1 All employees are expected to follow safe practices and cooperate with the safety program so that work can be conducted in such a manner as to assure personal protection for everyone.

1.2 All safety rules are to be followed:

- Take no unnecessary chances;
- Use all safety guards and safety equipment; and
- Make safety a routine part of the job.

1.3 Injuries and illnesses are to be reported as outlined in the Department's Administrative Regulation 329.

1.4 Safety hazards are to be reported immediately, through the chain of command, and work orders processed as outlined in the department's Administrative Regulation 487.

1.5 All employees will comply with the safety program. Staff will be subject to disciplinary action for failing to adhere to safe work practices.

1.6 Supervisors are expected to enforce the safety rules and monitor the employees' work safety.

1.7 Supervisors are required to forward a copy of all C-1 and C-3 reports to the Loss Control Coordinator in accordance with the Department's Administrative Regulation 329.

1.8 Supervisors are expected to maintain a safe and healthy work environment by identifying and controlling unsafe work conditions, practices and procedures.

1.9 The Department shall furnish proper and safe tools and equipment to include any personal protective equipment necessary.

1.10 Supervisors shall immediately investigate all reported accidents and injuries in accordance with the Department's Administrative Regulation 329.

1.11 Employees are encouraged to submit suggestions/comments regarding the Workplace Safety Program through any safety committee member.

319.04 WORKPLACE VIOLENCE

1.1 Hazard Assessment and Control

1.1.1 A Threat Assessment Team (TAT) will be established by the Department Safety Committee for each area and institution.

- The TAT will consist of 3 members and will be rotated on a yearly basis.
- The TAT will assess the vulnerability to workplace violence at the agency/department based on the completed assessment forms.
- The TAT will coordinate and recommend preventive actions to be taken.
- The TAT will be responsible for identifying and assessing training needs, performing inspections, responding to and analyzing reported incidents and auditing of the overall workplace violence program.

1.1.2 The TAT's will review previous incidents of violence at all work locations throughout the state.

- They will analyze and review existing records identifying patterns that may indicate causes and severity of assault incidents and identify changes necessary to correct these hazards.

1.1.2.1.1 These records include but are not limited to, OSHA 300 logs, past incident reports, workers compensation records, accident investigations, training records, safety committee meeting minutes, etc.

319.05 INCIDENT REPORTING AND INVESTIGATION

1.1 All incidents will be reported to a supervisor immediately.

1.2 The unit supervisor shall report the incident to their next higher supervisor, who in turn will ensure that appropriate administrators are advised.

1.3 Each event must be documented including witness statements, etc.

- The incident must be thoroughly investigated and an incident report form completed.
- A copy of the incident report must be submitted to the unit or department safety coordinator, Safety & Health Supervisor, and Loss Control Coordinator within 5 working days.

1.4 Supervisors will follow the protocol designated in the Department's Administrative Regulation 329.

1.5 The Threat Assessment Team will evaluate each incident.

- The team will discuss the causes of the incident and will make recommendations on how to revise the program to prevent similar incidents from occurring.
- All revisions of the Workplace Violence Program will be put into writing and made available to all employees.

1.6 Training and Communication

1.6.1 Each Division Head shall ensure that all supervisory personnel attend training regarding the management of workplace violence.

1.6.2 All employees, regardless of their level of risk, must be provided initial and periodic refresher training in the recognition of workplace violence, the appropriate response to incidents of aggression or violence, the agency's specific policy and procedures, and the proper use of security equipment.

1.6.3 All employees will attend a Workplace Violence Program orientation.

1.6.4 The Employee Development Manager will determine continuing education refresher training.

319.06 SUPERVISOR'S IMMEDIATE INTERVENTION

1.1 **Upon Direct and Imminent Threat of Violence – Do ALL of the following:**
(Employee or other person states they are on the way to commit an act of violence OR indicate that they are going to obtain the means to commit the act and will be back.)

- Call 911 or other appropriate Law Enforcement entity.
- Notify affected employees and give option to go home on administrative leave.

- If appropriate, evacuate work area and send employees home on administrative leave.
- If possible, inform the offending employee that they are being placed on administrative leave and are prohibited from returning to the worksite until further notice.
- Contact the Inspector General’s Office to report the event.
- Assemble a Threat Assessment Team to include the appropriate representatives from Administration, Personnel, and Inspector General’s Office to determine the best course of action.

1.2 **Upon Direct Threat without Imminent Event**

(Employee states that they intend to commit an act of violence one of these days.)

- Place the employee on administrative leave (or in some cases sick leave) pending an investigation.
- Notify the employee, verbally and in writing, that they are prohibited from coming to the worksite or other identified state property without prior approval and coordination with a designated agency representative.
- Contact the Inspector General’s Office to initiate an investigation.
- Assemble a Threat Assessment Team, as noted above, to determine the best course of action.

1.3 **Indirect threats, Stalking, Harassment, Bullying, Intimidation, Bizarre, inappropriate or Unsafe Behavior**

- Confront and counsel the employee and state that the behavior must stop.
- Make a formal referral to the Employee Assistance Program (EAP) Services.
- If the employee refuses to go to EAP referral and/or the behavior does not cease, implement progressive disciplinary procedures.
- If there are indications of a possible medical or psychological illness, contact personnel to request a “Fitness For Duty Exam” for the employee.
- If appropriate, assemble a Threat Assessment Team to determine the best course of action.
- Notify Inspector General’s Office of incident.

319.07 EEO COMPLAINTS

1.1 All allegations of harassment based on Title VII 42 U.S.C.; 2000e-(a)(1) should be reported to the EEO Officer for the region.

1.1.1 Staff who believes they are subject to harassment as defined in Title VII may contact the EEO Officer in their region directly.

1.1.2 Managers or administrators who believe that an employee is subject to harassment as defined in Title VII, based on reports from the affected staff member or other persons, should report this issue to the EEO Officer in their region.

1.2 The EEO Officers of the department should determine whether the elements of a prima facie violation of Title VII exist before the commencement of an investigation.

1.3 During the course of the investigations, EEO Officers should confine their investigation and questions to issues directly relevant to title VII violations.

319.08 FITNESS FOR DUTY EXAMS

1.1 In accordance with the State Administrative Manual Section 0521(8), the State Risk Management Division can coordinate a Fitness for Duty Evaluation with a qualified Occupational Medicine Physician, Psychologist or Psychiatrist in the event that an appointing authority determines that an employee is displaying behavior that indicates that the employee may have a medical or psychological condition that could result in a direct physical threat or other liability to themselves, a co-worker or the public.

1.1.1 Procedures related to requesting a fitness for duty exam can be obtained directly from the Personnel Division.

REFERENCES

OSHA 29CFR1910 REGULATIONS
OSHA REGS. 29CFR1910
AR 329
SAM 0521(8)

ATTACHMENTS

Threat Assessment Team Hazard Identification and Control Checklist
Employee Security Survey
Workplace Security Analysis

Jackie Crawford, Director

Date

CONFIDENTIAL XX
 Yes No

THIS PROCEDURE SUPERSEDES ALL PRIOR WRITTEN PROCEDURES ON THIS SPECIFIC SUBJECT.